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PTO/SB/21 (08-03)

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

09/618,178

Filing Date

18 July 2000

First Named Inventor

LINCOLN, Stephen E.

Art Unit

1634

Examiner Name

FREDMAN, Jeffrey N.

Total Number of Pages in This Submission

Attorney Docket Number

13151-2

ENCLOSURES *(check all that apply)*

- Fee Transmittal Form
- Fee Attached
- Amendment / Reply
- After Final
- Affidavits/declaration(s)
- Extension of Time Request
- Express Abandonment Request
- Information Disclosure Statement
- Certified Copy of Priority Document(s)
- Response to Missing Parts/ Incomplete Application
- Response to Missing Parts under 37 CFR 1.52 or 1.53

- Drawing(s)
- Licensing-related Papers
- Petition
- Petition to Convert a Provisional Application
- Power of Attorney, Revocation Change of Correspondence
- Terminal Disclaimer
- Request for Refund
- CD, Number of CD(s) _____

- After Allowance communication to Group
- Appeal Communication to Board of Appeals and Interferences
- Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- Proprietary Information
- Status Letter

Other Enclosure(s) (please identify below):

**PTO/SB/08b Form
eleven citations
Notice of Opposition with attachments
Transmittal Communication from European Patent Office
Return Receipt Postcard**

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

J. David Ellett, Jr.

Signature

Date

5 April 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Typed or printed name	J. David Ellett, Jr.		
Signature		Date	5 April 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

		Complete if Known	
		Application Number	09/618,178
		Filing Date	18 July 2000
		First Named Inventor	LINCOLN, Stephen E.
		Examiner Name	FREDMAN, Jeffrey N.
		Art Unit	1634
		Attorney Docket No.	13151-2

TOTAL AMOUNT OF PAYMENT	(\$)	\$180.00
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METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																																																																	
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input type="checkbox"/> Deposit Account: Deposit Account Number 11-0171 Deposit Account Name Kalow & Springut LLP		3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051 65 Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052 25 Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053 130 Non - English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812 2,520 For filing a request for <i>ex parte</i> reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804 920* Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805 1,840* Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251 55 Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>420</td><td>2252 210 Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>950</td><td>2253 475 Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,480</td><td>2254 740 Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,010</td><td>2255 1,005 Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>330</td><td>2401 165 Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>330</td><td>2402 165 Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>290</td><td>2403 145 Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451 1,510 Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452 55 Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,330</td><td>2453 665 Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,330</td><td>2501 665 Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>480</td><td>2502 240 Design issue fee</td><td></td></tr> <tr><td>1503</td><td>640</td><td>2503 320 Plant issue fee</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460 130 Petitions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807 50 Processing fee under 37 CFR § 1.17(q)</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806 180 Submission of Information Disclosure Statement</td><td>180.00</td></tr> <tr><td>8021</td><td>40</td><td>8021 40 Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809</td><td>770</td><td>2809 385 Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>770</td><td>2810 385 For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>770</td><td>2801 385 Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>900</td><td>1802 900 Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="4">Other fee (specify) _____</td></tr> <tr> <td colspan="2">*or number previously paid, if greater; For Reissues, see above</td> <td colspan="2" style="text-align: right;">SUBTOTAL (3) (\$)</td> </tr> <tr> <td colspan="2"></td> <td colspan="2" style="text-align: right;">\$180.00</td> </tr> </tbody></table>		Large Entity	Small Entity	Fee Description	Fee Paid	1051	130	2051 65 Surcharge - late filing fee or oath		1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet		1053	130	1053 130 Non - English specification		1812	2,520	1812 2,520 For filing a request for <i>ex parte</i> reexamination		1804	920*	1804 920* Requesting publication of SIR prior to Examiner action		1805	1,840*	1805 1,840* Requesting publication of SIR after Examiner action		1251	110	2251 55 Extension for reply within first month		1252	420	2252 210 Extension for reply within second month		1253	950	2253 475 Extension for reply within third month		1254	1,480	2254 740 Extension for reply within fourth month		1255	2,010	2255 1,005 Extension for reply within fifth month		1401	330	2401 165 Notice of Appeal		1402	330	2402 165 Filing a brief in support of an appeal		1403	290	2403 145 Request for oral hearing		1451	1,510	1451 1,510 Petition to institute a public use proceeding		1452	110	2452 55 Petition to revive - unavoidable		1453	1,330	2453 665 Petition to revive - unintentional		1501	1,330	2501 665 Utility issue fee (or reissue)		1502	480	2502 240 Design issue fee		1503	640	2503 320 Plant issue fee		1460	130	1460 130 Petitions to the Commissioner		1807	50	1807 50 Processing fee under 37 CFR § 1.17(q)		1806	180	1806 180 Submission of Information Disclosure Statement	180.00	8021	40	8021 40 Recording each patent assignment per property (times number of properties)		1809	770	2809 385 Filing a submission after final rejection (37 CFR § 1.129(a))		1810	770	2810 385 For each additional invention to be examined (37 CFR § 1.129(b))		1801	770	2801 385 Request for Continued Examination (RCE)		1802	900	1802 900 Request for expedited examination of a design application		Other fee (specify) _____				*or number previously paid, if greater; 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SUBMITTED BY		Complete (if applicable)		
Name (Print/Type)	J. David Ellett, Jr.	Registration No. (Attorney/Agent)	27,875	Telephone (212) 813-1600
Signature			Date	5 April 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Applicants : LINCOLN, Stephen E. and
KNAPP, Michael R.

Serial No. : 09/618,178

Filing Date: 18 July 2000

Title : "Automatic Genotype Determination"

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: Examiner: FREDMAN, Jeffrey N.
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: Group Art Unit: 1634
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04/09/2004 SMINASS1 00000031 09618178

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Kalow & Springut LLP
488 Madison Avenue, 19th Floor
New York, New York 10022

Customer No. 23719

5 April 2004

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INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97(d)

SIR or MADAM:

Pursuant to 37 CFR 1.97(d), the attorneys for the applicants hereby bring to the attention of the Patent and Trademark Office the following publications broadly related to the field of the invention of the application identified above:

Certificate of Mailing Under 37 CFR 1.8

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5 April 2004
Date

J. David Ellett, Jr. (Reg. No. 27,875)

Applicants: Stephen E. Lincoln and
Michael R. Knapp
Serial No.: 09/618,178
Filed: 18 July 2000
Page 2

Non-Patent Literature Documents

D.2 BAIRD, M.L., "Quality control and quality assurance," in: BALLANTYNE, J., SENSABAUGH, G., WITTKOWSKI, J. (eds) "DNA technology and forensic science" (1989) 32 Banbury rpt., Cold Springs Laboratory Press, pp. 175-190.

D.3 GALBRAITH *et al.*, "Sizing bands on autoradiograms: A study of precision for scoring DNA fingerprints," (1991), Electrophoresis 12: 210-220.

D.4 BUCKLETON *et al.*, "A continuous model for interpreting the positions of bands in DNA locus-specific work," JFSS 31 (3): 353-363.

D.5 BARTH, MUHLBAUER, NIKOL, WORLE, "Mathematische Formeln und Definitionen," (1986) Bayerischer Schulbuch-Verlag, Munich and J. Lindauer Verlag (Schaefer), Munich, pages 110 and 111 [in German].

D.6 KINGHORN, B. P., KENNEDY, B.W., SMITH, C., "A Method of screening for genes of major effect," Genetics (1993), 134: 351-360.

D.7 SYVANEN, A.C., AALTO-SETALA, K., HARJU, L., KONTULA, K., SODERLUND, H., "A primer-guided nucleotide incorporation assay in genotyping of apolipoprotein E," (1990), Genomics 8:684-692.

D.8 LANDER "Population Genetic Considerations in the Forensic Use of DNA Typing," in: BALLANTYNE, J., SENSABAUGH, G., WITTKOWSKI, J. (eds) "DNA Technology and Forensic Science" (1989) Banbury Report 32, Cold Spring Harbor Laboratory Press, pp. 143-156.

D.9 BAIRD *et al.*, "Allele Frequency Distribution of Two Highly Polymorphic DNA Sequences in Three Ethnic Groups and Its Application to the Determination of Paternity," (1986) Am J Hum Genet 39: pp. 489-501 [Pages 494 and 495 are missing and will be provided subsequently].

D.10 COMMITTEE ON DNA TECHNOLOGY IN FORENSIC SCIENCE "DNA Technology in Forensic Science," (1992) National Academy Press, Washington, D.C.

D.11 KILBANE, A.J., SILBART, L.K., MANIS, M., BEITINS, I.Z., WEBER, W.W., "Human N-acetylation genotype determination with urinary caffeine metabolites," (1990) Clin. Pharma- col., Ther. 47: 470-477.

Applicants: Stephen E. Lincoln and
Michael R. Knapp

Serial No.: 09/618,178

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D.12 GRIFFITHS, A.J.F., MILLER, J.H., SUZUKI, D.T., LEWONTIN, R.C., GELBART, W.M., eds (1993) "An introduction to genetic analysis," 5th edition, W.H. Freeman and Company, New York; pages 1-42, 425, 426, 456-459, 484-487, 703-732, and 737-749.

The items listed above are identified on Form PTO/SB/08 which is submitted with this statement.

A copy of each of the items identified above is submitted with this statement.

The attorneys for the applicants take no position on whether or not any item cited above and listed on Form PTO/SB/08 constitutes prior art against the subject application under any particular provision of Title 35 of the United States Code.

Pursuant to 37 CFR 1.97(e)(1), the undersigned attorney hereby certifies that each item of information contained in the present information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement. A copy of the communication; a Notice of Opposition filed by a third party in the European Patent Office on 19 December 2003 against a European counterpart to the subject application, European patent EP 0 736 107; accompanies the present information disclosure statement. The 19 December 2003 Notice of Opposition was forwarded by the European Patent Office to a representative of the patent owner on 12 January 2004, as evident from the accompanying copy of a transmittal communication from the European Patent Office. The present information disclosure statement is therefore being submitted to the United States Patent and Trademark Office within three months of the 12 January 2004 communication of the Notice of Opposition to applicants' representative by the European Patent Office.

The accompanying Notice of Opposition identifies twelve citations designated D1 through D12 inclusive. Eleven citations D2 through D12 inclusive are contained in the present information disclosure statement by being listed above and on the accompanying form PTO/SB/08. Citation D1 of the Notice of Opposition, a publication by Nikiforov *et al.* in *Nucleic Acids Research*,

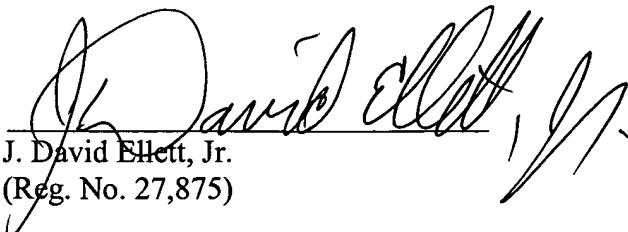
Applicants: Stephen E. Lincoln and
Michael R. Knapp
Serial No.: 09/618,178
Filed: 18 July 2000
Page 4

volume 22, pages 4167 through 4175 (1994), was previously made of record with respect to the subject application in an information disclosure statement filed on 7 September 2000 and is specifically excluded from the certification under 37 CFR 1.97(e)(1) set forth above. The office file for the subject application of the attorneys for the applicants does not include a copy of the Form PTO-1449 submitted with the information disclosure statement of 7 September 2000 signed by the examiner. However, in a telephone conference on or about 2 April 2004 with the undersigned attorney, the examiner presently in charge of the subject application, Examiner Jeffrey Fredman, indicated that Patent and Trademark Office computer records show that the Form PTO-1449 submitted with the information disclosure statement of 7 September 2000 had been signed by an examiner previously in charge of the application.

The fee under 37 CFR 1.97(d) for submitting an information disclosure statement under the present circumstances is estimated to be one hundred eighty dollars (\$180.00). A check to cover the estimated amount of \$180.00 is submitted with this statement in payment for the required fee. Please charge any deficiency in the payment submitted for the fee, or credit any overpayment, to deposit account No. 11-0171.

Respectfully submitted,

Attorneys for the Applicants

By 
J. David Ellett, Jr.
(Reg. No. 27,875)

Telephone: (212) 813-1600



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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

2

of

2

Complete If Known

Application Number	09/618,178
Filing Date	18 July 2000
First Named Inventor	LINCOLN, Stephen E.
Art Unit	1634
Examiner Name	FREDMAN, Jeffrey N.
Attorney Docket Number	13151-2

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	D12	GRIFFITHS, A.J.F., MILLER, J.H., SUZUKI, D.T., LEWONTIN, R.C., GELBART, W.M., eds (1993) "An introduction to genetic analysis, 5th edition, W.H.Freeman and Company, New York; pages 1-42, 425, 426, 456-459, 484-487, 703-732, and 737-749.	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

1

of

2

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First Named Inventor	LINCOLN, Stephen E.
Art Unit	1634
Examiner Name	FREDMAN, Jeffrey N.

Attorney Docket Number

13151-2

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	D2	BAIRD, M.L., "Quality control and quality assurance," in: Ballantyne, SENSABAUGH, G., WITTKOWSKI, J. (eds) "DNA Technology and forensic Science" (1989) 32 Banbury rpt., Cold Springs Lab Press, pp. 175-190	
	D3	GALBRAITH et al. "Sizing bands on autoradiograms: A Study of precision for scoring DNA fingerprints," (1991), Electrophoresis 12: 210-220	
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	D9	BAIRD et al., "Allele Frequency Distribution of Two Highly Polymorphic DNA sequences in Three Ethnic Groups and Its Application to the Determination of Paternity," (1986) Am J. Hum. Genet 39: pp 489-501*	
	D10	COMMITTEE ON DNA TECHNOLOGY IN FORENSIC SCIENCE "DNA Technology in Forensic Science", (1992) National Academy Press, Washington, D.C.	
	D11	KILBANE, A.J. SILBART, L.K., MANIS, M., BEITINS, I.Z., WEBER, W.W. "Human N-acetylation genotype determination with urinary caffeine metabolites," (1990) Clin. Pharma-col. Ther. 47: 470-477	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

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*Pages 494 and 495, missing-will be provided later.